

## Appendix J—Implementation Requirements

In this section we present information for implementing our recommendations in the current CDCR contexts. As our recommendations are based on general principles and practices, our purpose in this chapter is to apply those principles and practices specifically to the existing situations within the CDCR. This chapter describes the barriers that we have identified to implementing our recommendations in California and proposes solutions to those barriers. We have classified our barriers into four major categories: (a) legislative, (b) structural, (c) cultural, and (d) societal (or community).

### Legislative Barriers and Solutions:

The primary legislative barriers are lack of access to rehabilitation programming and lack of incentives for completing it. California's elected officials need to re-examine their current sentencing laws and system to effectively reduce the numbers of offenders in its currently overcrowded prisons and overloaded parole offices. Building more prisons is not the only answer to this problem. We refer the reader to Appendix A and urge California's leaders to implement some of those previously recommended population management initiatives.

On the incentive side, we cannot stress enough the importance of providing offenders with motivation to complete rehabilitation programs and positively manage their behaviors. Californians need to realize that providing offenders with incentives that will allow them to get out of prison or off of parole early by completing rehabilitation programs or managing their behaviors is not equal to being "soft on crime." Rather, they are a necessary component of successful human behavior modification strategies.

### Structural Barriers and Solutions:

#### Organizational Structure

The Panel had the opportunity to review two organizational structures in the period of its existence. The first structure that we reviewed in December 2006, was perplexing. It appeared to us that the only decision-maker in the entire organization was the Secretary of the CDCR. Lines of authority and responsibility were so diffused and overlapping that gridlock was the only possible result. This organizational structure was not well-designed and caused problems in administration and the field, especially in the area of efficient and coherent decision-making.

In March-April 2007, the new CDCR Secretary, James Tilton, developed a new organizational structure, which we felt was a vast improvement over its predecessor. However, we believe that there are additional steps the CDCR needs to take to reorganize itself to take full advantage of our recommendations:

- Clearly delineate lines of authority and responsibility from administration to the field. Eliminate overlapping and conflicting responsibilities that occur at multiple locations in the organization. Develop clear lines of communication to facilitate information flow in all directions in the organization.
- Decentralize decision-making to the lowest level in the organization that is capable of making the decision. It should not take three or four high-level administrators to make decisions that could be decided at the operational unit level.
- Establish clear lines of accountability within the organization. Everyone in the organization, from the Secretary down to the entry-level employee, should know exactly what duties and tasks he or she is responsible for and to whom he or she reports.

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- Centralize policy-making in the administration. The administration should determine policies, resolve policy issues, provide direction to field units for implementing those policies, and audit field units for policy compliance. Field unit leaders (wardens, parole office managers, etc.) should be responsible for implementing policies (security, programming, health, mental health, etc) and held accountable for achieving or not achieving policy objectives.
- Consolidate program service functions (academic education, vocation education (work-based), substance abuse treatment, and other program focus areas) under the CDCR Adult Programs Division and give that Division the authority to implement and resolve program policy issues. The CDCR Adult Programs Division should also be responsible for determining which programs will be delivered in which facilities. Additionally, create dotted-line reporting structures from the field units to the CDCR Adult Programs Division. Make the field unit directors accountable to the CDCR Adult Programs Division for delivering and measuring the effectiveness and outcomes of evidence-based programming in their field units.

### Technology Infrastructure

The current state of CDCR's technology infrastructure is insufficient, inadequate, and lacks the basic power, network, and telecommunications capabilities to function as an integrated enterprise. Less than one-third of the facilities and employees in the CDCR are connected to the network. This means that sharing information on offenders' behavior management plans and rehabilitation program process between facilities and across divisions is virtually impossible. Furthermore, the infrastructure within the Institutions not constructed to deliver rehabilitation programming electronically. This means that CDCR offenders don't have access to the latest innovations in rehabilitation programming content and delivery.

In January 2007, the California Department of Finance approved funding for the CDCR's Feasibility Study Report for the Consolidated Information Technology Infrastructure Project (CITIP). The CITIP is a multi-year project whose goal is to significantly increase the number of stations on the network, as well as the bandwidth. However, most of the CDCR's older facilities will need intensive (and time consuming) structural retrofits to be able to use the expanded technology.

We recommend that the CDCR continue on this course of improving its technology infrastructure as it is a critical component for the delivery of effective rehabilitation programming in prison and in the community. We further encourage the CDCR to ensure that all future facilities that it constructs are built with the necessary conduits and security measures to be able to allow staff and program providers in those facilities to take advantage of technological advancements in data management and rehabilitation programming.

### Labor Contracts

As we reviewed current operations and listened to both staff members and affiliated stakeholder groups, it became clear to us that a major obstacle to implementing a more focused and intensified rehabilitation program would be current contract provisions in the CDCR's labor contracts. We believe that to a large degree management rights and responsibilities have been negotiated away in previous contracts and feel that the CDCR and the California Department of Personnel Administration need to make every effort to regain those rights in the current round of negotiations. The process as it currently exists supports only the status quo and discourages management from implementing any innovative or necessary programming. For example, for the CDCR to adopt and implement a new risk to reoffend assessment tool to be able to assign the right offender to the right program

means that it will have to modify the job requirements for some of its staff members. As we understand the current labor environment, it could take the CDCR several months or even years to negotiate the use of an objective risk assessment tool by its correctional officers and probation agents. If true, this would seriously hamper California's ability to reduce its recidivism rate in the foreseeable future, as the assessment of risk and need is the first step in the process of providing effective rehabilitation programming. We strongly recommend that the CDCR leadership work with the labor union representatives to streamline the process for making needed job modifications so that it can more quickly implement those solutions that will improve the organization.

## **Cultural Barriers and Solutions:**

### **Organizational Culture**

As mentioned in the report, despite the name and mission changes that added rehabilitation to the CDCR, we found its organizational culture to still be largely "institutional"—focused on incarceration rather than rehabilitation. We understand that to some degree it will take time for the new mission to saturate all areas of the agency, especially considering its size. To facilitate that process, we recommend these activities:

**Focus on CDCR senior managers** (Secretary's office and all senior leadership positions including programming, institutions, parole, research-evaluation, IT, etc.). The CDCR's senior managers must understand and agree with the Panel's key recommendations, especially the underlying principles and practices. Senior management must also agree to:

- (a) a shared organizational vision
- (b) key benchmarks for implementing organizational improvement
- (c) a seamless integration of prison and parole officers in (rehabilitation) programming
- (d) use risk to reoffend (vs. institutional risk) as the primary driver for programming in prison and the community and for parole supervision
- (e) understand and apply the differences between program noncompliance and criminal behavior
- (f) understand how correctional and parole officers can be "agents of change" for offenders
- (g) agree to develop the officers under their authority as agents of change for offenders
- (h) understand and apply the importance of community partners as part of the "solution"

The CDCR's senior managers should be involved in at least a two-day planning session with biweekly meetings for the first six months on these concepts. During this time, they should decide what process they will use to assess their current organizational culture and its readiness to implement these changes. This group should also develop a plan to communicate the results of their work to the organization's employees. It is important that during these working sessions, senior managers are assigned to cross-sectional groups to facilitate systemic improvement.

**Focus on the next level of management** (parole officer chiefs and wardens). Replicate senior management agreements and activities with the next level of management within the CDCR. Report results back to senior management group.

**Develop cross-sectional teams to develop policy and procedures for the organization that support the Panel's recommendations.** It is important to have a cross-sectional team build the new policies and operational procedures for the organization. These teams should involve all levels of the organization and report their findings to the senior management group.

**Begin coaching and skills development activities for managers and key employees in the organization.**

- a. Provide managers with leadership coaching and management skills development. All managers should be trained in and held accountable for using “participatory management practices.” These practices will help managers obtain buy-in from their employees on the proposed organizational changes. It will also foster a sense of joint ownership (between the manager and the employee) as the organization progresses through the change process.
- b. Provide key employees with skills training for: interviewing offenders, motivating offenders, gaining offender compliance, risk and needs assessments, case planning, managing behavioral contracts, and characteristics and needs special offender types (e.g., drug offenders, sex offenders, aggressive, gang members, etc.). These trainings should be started at the academy level with new staff and continued through periodic refreshers courses throughout the entire career of each employee.

**Use the train-the-trainer model where key employees become “experts” in areas of focus and then train other employees.** These trainers should be the first level supervisors in the prisons and parole offices for staff graduating from the academies. In addition to training others, the experts should focus working on problem cases.

**Select parole and prison sites that desire to implement the panel recommendations.** Begin work on the implementation plan using a team composed of a cross section of employees from within the organization, as well as selected community partners.

### Employee Development

As the CDCR continues its work to provide quality rehabilitative programming to offenders it should not assume that its employees are prepared to deliver and supervise this work. As we have mentioned elsewhere, an effective correctional system is the result of a well-trained workforce. Whether the training relates to custody or treatment responsibilities, the critical nature of employee development can make or break a correctional system.

Traditionally, and usually as a condition of employment, correctional employees participate in both pre-service and in-service training programs. Commonly, more highly developed or specialized training is provided on a variety of subject areas. Employee attendance at conferences, workshops, and seminars regularly benefit the employee, as well as the agency. Moreover, we recommended that employees engage in continuing education at post-secondary institutions and trade schools, which will better prepare them for working in their particular disciplines. And, of course, some professionals such as clinicians, counselors, and others are required by law to complete a designated number of continuing education units annually.

In addition, we recommend that the CDCR consider the training opportunities provided by the U.S. Department of Justice, National Institute of Corrections, and the Office of Justice Programs. These two federal agencies often provide specialized training and/or technical assistance at little or no cost to the government participant. Universities, non-government organizations, and some for-profit groups are also good training resources.

The challenges of providing employee training can be expensive and times consuming, however, the benefits of making professional development a priority are considerable. On the other hand, the effects of not focusing on personnel training can be disastrous. Quality management principles dictate that tasks should be “done right the first time.” This cannot be achieved without the investment of well-organized and well-delivered staff training. To deliver the training, a host of full-time and adjunct training personnel will be needed. Most correctional systems depend on a train-the-trainer model in order to save costs.

As the new or redesigned programming is integrated into the CDCR, the requirement for employee preparation will be enormous. For instance, conducting effective risk assessments will require talented and well-trained employees to perform this obligation. Employees will also have to be comfortable with and competent in the use of technology since many offender programs are computer-based, such as GED preparation and testing. In fact, information technology is the cornerstone for many effective training programs and so the CDCR will need to ensure that its employees have developed skill in this competency area. Deploying sound curricula of professional enrichment may be important in other ways. For instance, litigation may be avoided, or at least mitigated, if mistakes are minimized. Often, law suits are based on “failure to train” standards. In many instances, the standard is not just “to train,” but “to train adequately.”

By addressing all of these considerations with its employees, the CDCR will solidify its position to offer effective programming to its adult offender population and reduce their rates of reoffending.

### Quality Assurance

Changing the organizational culture in order to implement evidence-based principles is a complex process involving dozens of intermediate objectives. In order to realize the goal of reducing recidivism, each organizational change objective must align with the principles, and the change must be maintained over time. An effective Quality Assurance Plan can serve as a roadmap for maintaining fidelity to the principles.

A comprehensive quality assurance plan is an invaluable tool in implementing evidence-based practice. The plan provides a clear blueprint of the organization’s goals and how they will be achieved. In the implementation phase, the plan allows stakeholders to track progress, maintain accountability, and keep a multi-faceted project on track. In the Maintenance phase, the plan encourages ongoing learning, professional development, and high standard of performance. Quality assurance should be incorporated into the implementation of evidence-based practice from the outset, with the goal of creating a “culture of quality” in the organization.

**Societal (or Community) Barriers and Solutions:**

The Panel wishes that it had been given more time to prepare its report. Had that been the case, then we would have spent more time looking at this very important area of correctional programming. As such, we urge the CDCR to continue to foster, nurture, and expand its partnerships with local governments and community-based organizations to provide seamless delivery of programming and services between prison-based and community-based providers. We recommend that it continues to include family members and other community members in the rehabilitation process of its offenders. And finally, and probably most importantly to released offenders, we recommend that roadblocks to finding meaningful employment be addressed.

To those community leaders and local agency administrators who are reading this report, we urge you to reach out to the CDCR to develop proactive and collaborative methods for working with offenders while they are still in prison to help ensure that once released, they become productive and contributing members of your communities. Particular attention needs to be paid to providing transitioning offenders with access to programs and services that will help them maintain their sobriety, find places to live, and obtain employment. If communities are able to help the CDCR provide these critical things to offenders, then they will become a real part of the solution to California's correctional crisis.